

75TH CONGRESS
1ST SESSION

Calendar No. 200

S. 595

[Report No. 196]

IN THE SENATE OF THE UNITED STATES

JANUARY 11, 1937

Mr. COPELAND introduced the following bill; which was read twice and referred to the Committee on Commerce

MARCH 17, 1937

Reported by Mr. WHITE, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Communications Act of 1934, approved June 19, 1934, for the purpose of promoting safety of life and property at sea through the use of wire and radio communications; to make more effective the International Convention for the Safety of Life at Sea, 1929, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 *That section 1 of the Communications Act of 1934 is hereby*
- 4 *amended by inserting after the words "for the purpose of the*
- 5 *national defense" a comma and the words "for the purpose*
- 6 *of promoting safety of life and property through the use*
- 7 *of wire and radio communication".*

1 SEC. 2: Section 3 of the Communications Act of 1934
2 is hereby amended by adding at the end thereof five new
3 subsections to read as follows:

4 ~~“(w) (1)~~ ‘Ship’ or ‘vessel’ includes every description
5 of watercraft or other artificial contrivance, except aircraft,
6 used or capable of being used as a means of transportation
7 on water, whether or not she is actually afloat.

8 ~~“(2)~~ A ship shall be considered a passenger ship if it
9 carries or is authorized to carry more than twelve passengers.

10 ~~“(3)~~ A cargo ship means any ship not a passenger
11 ship.

12 ~~“(4)~~ A passenger is any person carried on board a
13 ship except the officers and crew actually employed to man
14 and operate the ship. Persons on board a ship shall not be
15 considered passengers when they are carried either because
16 of the obligation laid upon the master to carry shipwrecked,
17 distressed, or other persons or by reason of any circumstance
18 over which neither the master, the owner, nor the charterer
19 ~~(if any)~~ has control.

20 ~~“(x)~~ ‘Auto-alarm’ on a foreign ship means an auto-
21 matic alarm receiver which has been approved by the coun-
22 try to which the ship belongs: *Provided*, That the United
23 States and the country in question are both parties to the same
24 treaty, convention, or agreement in regard to the require-
25 ments for such apparatus. ‘Auto-alarm’ on a ship of the

1 United States subject to the provisions of part II of title
2 III of this Act means an automatic alarm receiver approved
3 by the Commission and which complies with at least the
4 requirements of the General Radio Regulations Annexed
5 to the International Telecommunication Convention in force.
6 Nothing in this Act or in any other provision of law shall
7 be construed to permit the recognition of an auto-alarm as
8 complying with part II of title III of this Act, on a foreign
9 ship subject to such part, whose country of origin is not a
10 party to a treaty, convention, or agreement with the United
11 States in regard to such apparatus.

12 “(y) (1) For the purpose of part II of title III, a
13 ‘qualified operator’ or ‘operator’ on a foreign ship means a
14 person holding a certificate as such complying with the pro-
15 visions of the General Radio Regulations annexed to the
16 International Telecommunication Convention in force, or
17 complying with an agreement or treaty between the United
18 States and the country to which the ship belongs.

19 “(2) For the purpose of part II of title III, a ‘qualified
20 operator’ or ‘operator’ on a ship of the United States means
21 a person holding a radio operator’s license of the proper
22 class, as prescribed and issued by the Commission.

23 “(z) ‘Harbor’ or ‘port’ means any place to which ships
24 may resort for shelter or to load or unload passengers or
25 goods, or to obtain fuel, water, or supplies. This term shall

1 apply to such places whether proclaimed public or not and
2 whether natural or artificial.

3 “(aa) ‘Safety convention’ means the International Con-
4 vention for the Safety of Life at Sea in force and the regula-
5 tions referred to therein.

6 “SEC. 3. Subsection (k) of section 4 of the Communi-
7 cations Act of 1934 is hereby amended by substituting a
8 colon for the period at the end of the subsection and adding
9 the following: *‘Provided further, That each year, at the*
10 *beginning of the session of the Congress, the Commission*
11 *shall report to the Senate and the House of Representatives*
12 *of the United States whether or not any new wire or radio*
13 *communication legislation is required better to insure safety*
14 *of life and property. If any new legislation is necessary the*
15 *Commission shall prepare and submit it to the Congress.’”*

16 SEC. 4. Section 4 of the Communications Act of 1934
17 is amended by adding at the end thereof a new subsection
18 to read as follows:

19 “(o) For the purpose of obtaining maximum effective-
20 ness from the use of radio and wire communications in con-
21 nection with safety of life and property, the Commission
22 shall investigate and study all phases of the problem and the
23 best methods of obtaining the cooperation and coordination
24 of these systems. The Commission shall, by proper rules
25 and regulations or by conditions incorporated in the authori-

1 zation or license, prescribe, in addition to all other require-
2 ments, the conditions and procedure to be observed, in har-
3 mony with the law, in communications involving safety of
4 life and property."

5 SEC. 5. Paragraph ~~(m)~~ of section 303 of the Com-
6 munications Act of 1934 is hereby amended to read as fol-
7 lows:

8 "~~(m)~~ ~~(1)~~ Have authority to suspend the license of
9 any operator upon proof sufficient to satisfy the Commission
10 that the licensee—

11 "~~(A)~~ has violated any provision of any Act,
12 treaty, or convention binding on the United States, which
13 the Commission is authorized to administer, or any
14 regulation made by the Commission under any such
15 Act, treaty, or convention; or

16 "~~(B)~~ has failed to carry out a lawful order of the
17 master of the ship on which he is employed or of the
18 person in command of the aircraft on which he is
19 employed; or

20 "~~(C)~~ has willfully damaged or permitted radio
21 apparatus or installations to be damaged; or

22 "~~(D)~~ has transmitted superfluous radio com-
23 munications or signals or communications containing
24 profane or obscene words, language, or meaning, or
25 has knowingly transmitted—

1 “(1) false or deceptive signals or communications,
2 or

3 “(2) a call signal or letter which has not been
4 assigned by proper authority to the station he is
5 operating; or

6 “(E) has willfully or maliciously interfered with
7 any other radio communications or signals; or

8 “(F) has obtained or attempted to obtain, or
9 has assisted another to obtain or attempt to obtain, an
10 operator's license by fraudulent means.

11 “(2) No order of suspension of any operator's license
12 shall take effect until fifteen days' notice in writing thereof,
13 stating the cause for the proposed suspension, has been
14 given to the operator licensee who may make written appli-
15 cation to the Commission at any time within said fifteen
16 days for a hearing upon such order. The notice to the
17 operator licensee shall not be effective until actually received
18 by him, and from that time he shall have fifteen days in
19 which to mail the said application. In the event that
20 physical conditions prevent mailing of the application at
21 the expiration of the fifteen-day period, the application
22 shall then be mailed as soon as possible thereafter, accom-
23 panied by a satisfactory explanation of the delay. Upon
24 receipt by the Commission of such application for hearing,
25 said order of suspension shall be held in abeyance until the

1 conclusion of the hearing which shall be conducted under
2 such rules as the Commission may prescribe. Upon the
3 conclusion of said hearing the Commission may affirm,
4 modify, or revoke said order of suspension."

5 SEC. 6. Subsection ~~(n)~~ of section 303 of the Com-
6 munications Act of 1934 is hereby amended to read as
7 follows:

8 "~~(n)~~ Have authority to inspect all radio installations
9 associated with stations required to be licensed by any Act
10 or which are subject to the provisions of any Act, treaty,
11 or convention binding on the United States, to ascertain
12 whether in construction, installation, and operation they con-
13 form to the requirements of the rules and regulations of the
14 Commission, the provisions of any Act, the terms of any
15 treaty or convention binding on the United States, and the
16 conditions of the license or other instrument of authorization
17 under which they are constructed, installed, or operated."

18 SEC. 7. Section 321 ~~(a)~~ of the Communications Act of
19 1934 is hereby amended to read as follows:

20 "SEC. 321. ~~(a)~~ The transmitting set in a radio station
21 on shipboard may be adjusted in such a manner as to produce
22 a maximum of radiation, irrespective of the amount of inter-
23 ference which may thus be caused, when such station is
24 sending radio communications or signals of distress and radio
25 communications relating thereto."

1 SEC. 8. Section 322 of the Communications Act of
2 1934 is hereby amended to read as follows:

3 “SEC. 322. Every land station open to general public
4 service between the coast and vessels or aircraft at sea shall,
5 within the scope of its normal operations, be bound to ex-
6 change radio communications or signals with any ship or
7 aircraft station at sea; and each station on shipboard or air-
8 craft at sea shall, within the scope of its normal operations,
9 be bound to exchange radio communications or signals with
10 any other station on shipboard or aircraft at sea or with any
11 land station open to general public service between the coast
12 and vessels or aircraft at sea: *Provided*, That such exchange
13 of radio communication shall be without distinction as to
14 radio systems or instruments adopted by each station.”

15 SEC. 9. Section 329 of the Communications Act of
16 1934 is hereby amended to read as follows:

17 “SEC. 329. The Commission is authorized to designate
18 any officer or employee of any other department of the
19 Government on duty in any Territory or possession of the
20 United States to render therein such service in connection
21 with the administration of this Act as the Commission may
22 prescribe and also to designate any officer or employee of
23 any other department of the Government to render such
24 services at any place within the United States in con-
25 nection with the administration of title III of this Act as

1 may be necessary: *Provided*, That such designation shall
 2 be approved by the head of the department in which such
 3 person is employed."

4 SEC. 10. (a) The heading of title III of the Communi-
 5 cations Act of 1934 is hereby amended to read as follows:

6 "~~TITLE III—PROVISIONS RELATING TO RADIO~~

7 "~~PART I—SPECIAL PROVISIONS~~"

8 (b) Such title III is further amended by adding at the
 9 end thereof a new part as follows:

10 "~~PART II—RADIO EQUIPMENT AND RADIO OPERATORS~~

11 ON BOARD SHIP

12 "~~PURPOSE~~

13 "~~SEC. 351. It is the purpose of this part to promote~~
 14 safety of life and property at sea through the use of radio.

15 "~~SHIP RADIO INSTALLATIONS AND OPERATORS~~

16 "~~SEC. 352. Except as provided in section 353 hereof, it~~
 17 shall be unlawful—

18 "(a) For any ship of the United States, other than a
 19 cargo ship of less than sixteen hundred gross tons, to be
 20 navigated in the open sea or on the Great Lakes outside of
 21 a harbor or port, or for any ship of the United States or any
 22 foreign country, other than a cargo ship of less than sixteen
 23 hundred gross tons, to leave or attempt to leave any harbor
 24 or port of the United States for a voyage in the open sea
 25 or on the Great Lakes, unless such ship is equipped with

1 an efficient radio installation in operating condition, in charge
2 of and operated by a qualified operator or operators, ade-
3 quately installed and protected so as to insure proper opera-
4 tion, and so as not to endanger the ship and radio installation,
5 as hereinafter provided;

6 “(b) For any passenger ship of the United States of
7 five thousand gross tons, or over, to be navigated outside of
8 a harbor or port, in the open sea or on the Great Lakes, or
9 for any such ship of the United States or any foreign country
10 to leave or attempt to leave any harbor or port of the United
11 States for a voyage in the open sea or on the Great Lakes,
12 unless such ship is equipped with an efficient radio direction
13 finder apparatus (radio compass) properly adjusted in oper-
14 ating condition as hereinafter provided, which apparatus is
15 approved by the Commission;

16 “(c) In special cases, where the Commission considers
17 that the route or conditions of the voyage make it reason-
18 able or necessary, the above requirements may be applied
19 to a vessel engaged on inland voyages.

20 “(d) A ship which is not subject to the provisions of
21 this part at the time of its departure on a voyage shall not
22 become subject to such provisions on account of any devia-
23 tion from its intended voyage due to stress of weather or any
24 other cause over which neither the master, the owner, nor
25 the charterer (if any) has control.

“SEC. 353. (a) The provisions of this part shall not apply to—

4

5

~~“(2) A ship of the United States belonging to and operated by the Government, except a ship of the United States Maritime Commission, the Inland and Coastwise Waterways Service, or the Panama Railroad Company.~~

10

“(3) A foreign ship belonging to a country which is a party to the Safety Convention and which ship carries a valid certificate exempting said ship from the radio provisions of that Convention, or which ship conforms to the radio requirements of such Convention or Regulations and has on board a valid certificate to that effect.

17

“(b) The Commission may, if it considers that the route or the conditions of the voyage are such as to render a radio installation unreasonable or unnecessary for the purposes of this part, exempt from the provisions of this part any ship, or any class of ships, which falls within any of the following descriptions:

23

~~“(1) Passenger ships which in the course of their voyage do not go more than twenty nautical miles from~~

1 the nearest land or more than two hundred nautical
2 miles between two consecutive ports;

3 “(2) Cargo ships which in the course of their
4 voyage do not go more than one hundred and fifty
5 nautical miles from the nearest land;

6 “(3) Barges in tow;

7 “(4) Sailing ships.

8 “OPERATORS, WATCHES, AUTO-ALARM

9 “SEC. 354. (a) Each cargo ship required by this part
10 to be fitted with a radio installation and which is not fitted
11 with an auto-alarm, and each passenger ship required by
12 this part to be fitted with a radio installation, shall, for safety
13 purposes, carry at least two qualified operators, and, where
14 the hours out of port exceed forty-eight, at least three
15 qualified operators shall be provided.

16 “(b) A cargo ship, required by this part to be fitted
17 with a radio installation, which is fitted with an auto-alarm
18 in accordance with this title, shall, for safety purposes, carry
19 at least one qualified operator.

20 “(c) Each ship of the United States required by this
21 part to be fitted with a radio installation shall, while being
22 navigated outside a harbor or port, keep a continuous watch
23 by means of qualified operators: *Provided, however, That*
24 *in lieu thereof on a cargo ship fitted with an auto-alarm in*
25 *proper operating condition, a watch of at least eight hours*

1 per day, in the aggregate, shall be maintained by means of
2 a qualified operator.

3 “(d) The Commission shall, for safety purposes, have
4 authority to prescribe the particular hours of watch on a ship
5 of the United States required by this part to be fitted with
6 a radio installation.

7 “(e) On all ships of the United States fitted with an
8 auto-alarm, said apparatus shall be in operation at all times
9 while the ship is being navigated outside of a harbor or port
10 when the operator is not on watch.

11 “TECHNICAL REQUIREMENTS

12 “SEC. 355. The radio installation and the radio direc-
13 tion-finding apparatus required by section 352 of this part
14 shall comply with the following requirements:

15 “(a) The radio installation shall comprise a main and
16 an emergency or reserve installation: *Provided, however,*
17 That on a cargo ship, if the main installation complies also
18 with all the requirements of an emergency or reserve installa-
19 tion, the emergency or reserve installation may be omitted.

20 “(b) The ship's radio operating room and the emer-
21 geney or reserve installation shall be placed in the upper
22 part of the ship in a position of the greatest possible safety
23 and as high as practicable above the deepest load water line.

24 “(c) The main and emergency or reserve installations
25 shall be capable of transmitting and receiving on the fre-

1 quencies and types of waves designated by the Commission
2 for the purpose of distress and safety of navigation.

3 “(d) The main installation shall have a normal trans-
4 mitting and receiving range of at least two hundred nautical
5 miles, that is to say, it must be capable of transmitting and
6 receiving clearly perceptible signals from ship to ship over
7 a range of at least two hundred nautical miles by day under
8 normal conditions and circumstances.

9 “(e) Sufficient power shall be available at all times
10 to operate the main radio installation efficiently under normal
11 conditions over the range specified in subsection (d) of this
12 section.

13 “(f) The emergency or reserve installation shall in-
14 clude a source of energy independent of the propelling
15 power of the ship and of any other electrical system and shall
16 be capable of being put into operation rapidly and of work-
17 ing for at least six continuous hours. For the emergency
18 or reserve installation, the normal range as defined in sub-
19 section (d) of this section shall be at least one hundred
20 nautical miles.

21 “(g) There shall be provided between the bridge of
22 the ship and the radio room, and between the bridge and
23 the location of the direction finding apparatus, when the
24 direction finding apparatus is not located on the bridge, an

1 efficient means of communication independent of any other
2 communication system of the ship.

3 “(h) The direction finding apparatus shall be efficient
4 and capable of receiving clearly perceptible radio signals and
5 of taking bearings from which the true bearing and direction
6 may be determined. It shall be capable of receiving signals
7 on the frequencies prescribed for distress, direction finding,
8 and radio beacons by the General Radio Regulations annexed
9 to the International Telecommunication Convention in force
10 and in new installations after the effective date of this part,
11 such other frequencies as the Commission may for safety
12 purposes designate.

13 “LIFEBOATS

14 “SEC. 356. Every motor lifeboat, required to be
15 equipped with radio by treaty or convention to which the
16 United States is a party, by statute, or by regulation made
17 in conformity with a treaty, convention, or statute, shall
18 be fitted with an efficient radio installation under such rules
19 and regulations as the Commission may find necessary to
20 promote the safety of life.

21 “APPROVAL OF INSTALLATIONS

22 “SEC. 357. (a) Insofar as is necessary to carry out
23 the purposes and requirements of this part, the Commission
24 shall have authority, for any ship subject to this part—

1 “(1) To approve the details as to the location
2 and manner of installations of the equipment required
3 by this part or of equipment necessitated by reason of
4 the purposes and requirements of this part.

5 “(2) To approve installations, apparatus, and spare
6 parts necessary to comply with the purposes and
7 requirements of this part.

8 “(3) To prescribe such additional equipment as
9 may be determined to be necessary to supplement that
10 specified herein, for the proper functioning of the radio
11 installation installed in accordance with this part or for
12 the proper conduct of radio communication in time of
13 emergency or distress.

14 “TRANSMISSION OF INFORMATION

15 “SEC. 358. (a) The master of every ship of the United
16 States equipped with radio transmitting apparatus, on meet-
17 ing with dangerous ice, a dangerous derelict, a tropical
18 storm, or any other direct danger to navigation, shall cause
19 to be transmitted all pertinent information relating thereto,
20 to ships in the vicinity and to the appropriate authorities,
21 in accordance with rules and regulations issued by the Com-
22 mission, which authorities of the United States shall, when
23 they consider it necessary, promptly bring the information
24 received by them to the knowledge of those concerned and
25 foreign authorities interested.

1 “(b) No charge shall be made by any ship or station
 2 in the mobile service of the United States for the transmission,
 3 receipt, or relay of the information designated in subsection
 4 (a) originating on a ship of the United States or of a foreign
 5 country.

6 “(c) The transmission by any ship of the United States,
 7 made in compliance with subsection (a), to any station
 8 which imposes a charge for the reception, relay, or forward-
 9 ing of the required information, shall be free of cost to the
 10 ship concerned and any communication charges incurred by
 11 the ship for transmission, relay, or forwarding of the infor-
 12 mation may be certified to the Commission for reimbursement
 13 out of moneys appropriated to the Commission for that
 14 purpose.

15 “(d) No charge shall be made by any ship or station
 16 in the mobile service of the United States for the transmis-
 17 sion of distress messages and replies thereto in connection
 18 with situations involving the safety of life and property
 19 at sea.

20 “(e) Notwithstanding any other provision of law, any
 21 station or carrier may render free service in connection with
 22 situations involving the safety of life and property, includ-
 23 ing hydrographic reports, weather reports, reports regard-
 24 ing aids to navigation and medical assistance to injured

1 or sick persons on ships and aircraft at sea. All free service
2 permitted by this subsection shall be subject to such rules
3 and regulations as the Commission may prescribe, which
4 rules may limit such free service to the extent which the
5 Commission finds desirable in the public interest.

6 "AUTHORITY OF MASTER

7 "SEC. 359. The radio installation, the operators, the
8 regulation of their watches, the transmission and receipt
9 of messages, and the radio service of the ship except as
10 they may be regulated by law or international agreement,
11 or by rules and regulations made in pursuance thereof, shall
12 in the case of a ship of the United States be under the
13 supreme control of the master.

14 "SAFETY CONVENTION

15 "SEC. 360. (a) In addition to any other provision of
16 law, the Commission shall make such rules and regulations,
17 determinations, or findings as may appear to be necessary
18 to give effect to the radio and communication provisions of
19 the safety convention.

20 "(b) Each vessel of the United States to which the
21 safety convention applies shall comply with the radio and
22 communication provisions of said convention at all times
23 while the vessel is in use, in addition to all other require-
24 ments of law, and have on board an appropriate certificate
25 as prescribed by the safety convention.

1 (c) In the case of a vessel of the United States, which
2 is subject also to the radio provisions of the safety conven-
3 tion, the Commission is authorized, after proper inspection
4 or determination of the facts, to request the Bureau of Marine
5 Inspection and Navigation to issue to such vessel an appro-
6 priate certificate, concerning the radio particulars provided
7 for in said convention. Upon receipt of that request, the
8 Bureau of Marine Inspection and Navigation shall issue the
9 certificate in accord therewith.

10 "INSPECTIONS

11 "SEC. 361. (a) In addition to any other provisions re-
12 quired to be included in a radio station license, the station
13 license of each ship of the United States subject to this title
14 shall include particulars with reference to the items specifi-
15 cally required by this title.

16 "(b) Every ship of the United States, subject to this
17 title, shall have the equipment and apparatus prescribed
18 therein, inspected at least once each year by the Commis-
19 sion. If, after such inspection, the Commission is satisfied
20 that all relevant provisions of this Act and the station license
21 have been complied with, that fact shall be certified to on
22 the station license by the Commission. The Commission
23 shall make such additional inspections at frequent intervals
24 as may be necessary to insure compliance with the require-
25 ments of this Act.

1 “(e) No ship of the United States subject to this title
2 shall be used unless there is on board and in force a valid
3 station license issued in accordance with this Act.

4 “CONTROL BY COMMISSION

5 “SEC. 362. Nothing in this title shall be interpreted as
6 lessening in any degree the control of the Commission over
7 all matters connected with the radio equipment and its opera-
8 tion on shipboard and its decision and determination in
9 regard to the radio requirements, installations, or exemptions
10 from prescribed radio requirements shall be final, subject only
11 to review in accordance with law.

12 “FORFEITURES

13 “SEC. 363. The following forfeitures shall apply to this
14 part, in addition to the penalties and forfeitures provided by
15 title V of this Act:

16 “(a) Any ship that leaves or attempts to leave any
17 harbor or port of the United States in violation of the pro-
18 visions of this part, or the rules and regulations of the Com-
19 mission made in pursuance thereof, or any ship of the
20 United States that is navigated outside of any harbor or
21 port in violation of any of the provisions of this part, or
22 the rules and regulations of the Commission made in pur-
23 suance thereof, shall forfeit to the United States the sum
24 of \$500, recoverable by way of suit or libel. Each such
25 departure or attempted departure, and in the case of a

1 ship of the United States each day during which such navi-
2 gation occurs shall constitute a separate offense.

3 ~~“(b) Every willful failure on the part of the master~~
4 of a ship of the United States to enforce or to comply with
5 the provisions of this Act or the rules and regulations of
6 the Commission as to equipment, operators, watches, or
7 radio service shall cause him to forfeit to the United States
8 the sum of \$100.”

9 SEC. 11. Paragraph ~~(a)~~ of section 402 of the Com-
10 munications Act of 1934 is hereby amended by inserting after
11 the words “or for modifications of an existing radio station
12 license” a comma and the words “or suspending a radio
13 operator’s license”.

14 SEC. 12. Subsection ~~(b)~~ of section 402 of the Com-
15 munications Act of 1934 is hereby amended by adding at
16 the end thereof a new paragraph to read as follows:

17 ~~“(3) By any radio operator whose license has been~~
18 suspended by the Commission.”

19 SEC. 13. Paragraph ~~(c)~~ of section 402 of the Com-
20 munications Act of 1934 is hereby amended by inserting
21 after the words in the last sentence “upon the application”
22 the words “or order”.

23 SEC. 14. Section 504 of the Communications Act of
24 1934 is hereby amended to read as follows:

1 “PROVISIONS RELATING TO FORFEITURES

2 “SEC. 504. (a) The forfeitures provided for in this
3 Act shall be payable into the Treasury of the United States;
4 and shall be recoverable in a civil suit in the name of the
5 United States brought in the district where the person or
6 carrier has its principal operating office or in any district
7 through which the line or system of the carrier runs:
8 *Provided*, That in the case of forfeiture by a ship, said
9 forfeiture may also be recoverable by way of libel in any
10 district in which such ship shall arrive or depart. Such for-
11 feitures shall be in addition to any other general or specific
12 penalties herein provided. It shall be the duty of the
13 various district attorneys, under the direction of the Attorney
14 General of the United States, to prosecute for the recovery
15 of forfeitures under this Act. The costs and expenses of
16 such prosecutions shall be paid from the appropriation for
17 the expenses of the courts of the United States.

18 “(b) The forfeitures imposed by title III, part II of
19 this Act shall be subject to remission or mitigation by the
20 Commission, upon application therefor, under such regula-
21 tions and methods of ascertaining the facts as may seem
22 to it advisable, and, if suit has been instituted, the Attorney
23 General, upon request of the Commission, shall direct the
24 discontinuance of any prosecution to recover such forfeitures:
25 *Provided, however*, That no forfeiture shall be remitted or

1 mitigated after determination by a court of competent
2 jurisdiction.”

3 SEC. 15. Section 602 of the Communications Act of
4 1934 is hereby amended by adding at the end thereof a new
5 subsection to read as follows:

6 “(e) The Act entitled ‘An Act to require apparatus
7 and operators for radio communication on certain ocean
8 steamers’, approved June 24, 1910, as amended, is repealed.

9 SEC. 16. This Act shall take effect upon approval, pro-
10 vided that the Commission may defer the application of all
11 or any part of Sections 351 to 356, inclusive, for a period
12 not to exceed six months after approval, in regard to any
13 ship or classes of ships of the United States which are not
14 subject to the provisions of the safety convention, if it is
15 found impracticable to obtain the necessary equipment or
16 make the required installations.

17 SEC. 17. The Communications Act of 1934 is hereby
18 further amended by adding at the end thereof the following
19 new section:

20 *That section 1 of the Communications Act of 1934 is hereby*
21 *amended by inserting after the words “for the purpose of the*
22 *national defense” a comma and the words “for the purpose*
23 *of promoting safety of life and property through the use of*
24 *wire and radio communication”.*

1 *SEC. 2. Section 3 of the Communications Act of 1934*
2 *is hereby amended by adding at the end thereof five new*
3 *subsections to read as follows:*

4 *“(w) (1) ‘Ship’ or ‘vessel’ includes every description*
5 *of watercraft or other artificial contrivance, except aircraft,*
6 *used or capable of being used as a means of transportation*
7 *on water, whether or not it is actually afloat.*

8 *“(2) A ship shall be considered a passenger ship if it*
9 *carries or is licensed or certificated to carry more than*
10 *twelve passengers.*

11 *“(3) A cargo ship means any ship not a passenger*
12 *ship.*

13 *“(4) A passenger is any person carried on board a*
14 *ship or vessel except (1) the officers and crew actually*
15 *employed to man and operate the ship, (2) persons em-*
16 *ployed to carry on the business of the ship, and (3) per-*
17 *sons on board a ship when they are carried, either because*
18 *of the obligation laid upon the master to carry shipwrecked,*
19 *distressed, or other persons in like or similar situations or*
20 *by reason of any circumstance over which neither the master,*
21 *the owner, nor the charterer (if any) has control.*

22 *“(x) ‘Auto-alarm’ on a foreign ship means an auto-*
23 *matic alarm receiver which has been approved by the*
24 *country to which the ship belongs, provided the United States*
25 *and the country to which the ship belongs are both parties*

1 to the same treaty, convention, or agreement prescribing
2 the requirements for such apparatus. 'Auto-alarm' on a ship
3 of the United States subject to the provisions of part II of
4 title III of this Act means an automatic alarm receiver com-
5 plying with law and approved by the Commission.
6 Nothing in this Act or in any other provision of law shall
7 be construed to require the recognition of an auto-alarm as
8 complying with part II of title III of this Act, on a foreign
9 ship subject to such part, whose country of origin is not a
10 party to a treaty, convention, or agreement with the United
11 States in regard to such apparatus.

12 “(y) (1) For the purpose of part II of title III, a
13 ‘qualified operator’ or ‘operator’ on a foreign ship means a
14 person holding a certificate as such complying with the pro-
15 visions of the General Radio Regulations annexed to the
16 International Telecommunication Convention in force, or
17 complying with an agreement or treaty between the United
18 States and the country to which the ship belongs.

19 “(2) For the purpose of part II of title III, a ‘qualified
20 operator’ or ‘operator’ on a ship of the United States means
21 a person holding a radio operator’s license of the proper
22 class, as prescribed and issued by the Commission.

23 “(z) ‘Harbor’ or ‘port’ means any place to which ships
24 may resort for shelter or to load or unload passengers or
25 goods, or to obtain fuel, water, or supplies. This term shall

1 *apply to such places whether proclaimed public or not and*
2 *whether natural or artificial.*

3 “(aa) ‘Safety convention’ means the International Con-
4 *vention for the Safety of Life at Sea in force and the regula-*
5 *tions referred to therein.*”

6 “SEC. 3. Subsection (k) of section 4 of the Communi-
7 *cations Act of 1934 is hereby amended by substituting a*
8 *colon for the period at the end of the subsection and adding*
9 *the following: ‘Provided further, That each year, at the*
10 *beginning of the session of the Congress, the Commission*
11 *shall report to the Congress whether or not any new wire or*
12 *radio communication legislation is required better to insure*
13 *safety of life and property. If any such new legislation is*
14 *considered necessary the Commission shall make specific*
15 *recommendations thereof to the Congress.’”*

16 SEC. 4. Section 4 of the Communications Act of 1934
17 *is amended by adding at the end thereof a new subsection*
18 *to read as follows:*

19 “(o) For the purpose of obtaining maximum effective-
20 *ness from the use of radio and wire communications in con-*
21 *nection with safety of life and property, the Commission*
22 *shall investigate and study all phases of the problem and the*
23 *best methods of obtaining the cooperation and coordination*
24 *of these systems.”*

1 *SEC. 5. Paragraph (m) of section 303 of the Com-*
2 *munications Act of 1934 is hereby amended to read as fol-*
3 *lows:*

4 *“(m) (1) Have authority to suspend the license of*
5 *any operator upon proof sufficient to satisfy the Commission*
6 *that the licensee—*

7 *“(A) has violated any provision of any Act,*
8 *treaty, or convention binding on the United States, which*
9 *the Commission is authorized to administer, or any*
10 *regulation made by the Commission under any such*
11 *Act, treaty, or convention; or*

12 *“(B) has failed to carry out a lawful order of the*
13 *master or person lawfully in charge of the ship or air-*
14 *craft on which he is employed; or*

15 *“(C) has willfully damaged or permitted radio*
16 *apparatus or installations to be damaged; or*

17 *“(D) has transmitted superfluous radio com-*
18 *munications or signals or communications containing*
19 *profane or obscene words, language, or meaning, or*
20 *has knowingly transmitted—*

21 *“(1) false or deceptive signals or communications,*
22 *or*

23 *“(2) a call signal or letter which has not been*
24 *assigned by proper authority to the station he is*
25 *operating; or*

1 “(E) has willfully or maliciously interfered with
2 any other radio communications or signals; or

3 “(F) has obtained or attempted to obtain, or has
4 assisted another to obtain or attempt to obtain, an op-
5 erator’s license by fraudulent means.

6 “(2) No order of suspension of any operator’s license
7 shall take effect until fifteen days’ notice in writing thereof,
8 stating the cause for the proposed suspension, has been given
9 to the operator licensee who may make written application
10 to the Commission at any time within said fifteen days for
11 a hearing upon such order. The notice to the operator
12 licensee shall not be effective until actually received by
13 him, and from that time he shall have fifteen days in which
14 to mail the said application. In the event that physical
15 conditions prevent mailing of the application at the ex-
16 piration of the fifteen-day period, the application shall then
17 be mailed as soon as possible thereafter, accompanied by a
18 satisfactory explanation of the delay. Upon receipt by the
19 Commission of such application for hearing, said order of
20 suspension shall be held in abeyance until the conclusion
21 of the hearing which shall be conducted under such rules
22 as the Commission may prescribe. Upon the conclusion of
23 said hearing the Commission may affirm, modify, or revoke
24 said order of suspension.”

1 *SEC. 6. (a) Subsection (n) of section 303 of the Com-*
2 *munications Act of 1934 is hereby amended to read as*
3 *follows:*

4 *“(n) Have authority to inspect all radio installations*
5 *associated with stations required to be licensed by any Act*
6 *or which are subject to the provisions of any Act, treaty,*
7 *or convention binding on the United States, to ascertain*
8 *whether in construction, installation, and operation they con-*
9 *form to the requirements of the rules and regulations of the*
10 *Commission, the provisions of any Act, the terms of any*
11 *treaty or convention binding on the United States, and the*
12 *conditions of the license or other instrument of authorization*
13 *under which they are constructed, installed, or operated.”*

14 *(b) Section 303 of the Communications Act of 1934 is*
15 *hereby further amended by adding at the end thereof a new*
16 *subsection to read as follows:*

17 *“(r) Make such rules and regulations and prescribe*
18 *such restrictions and conditions, not inconsistent with law,*
19 *as may be necessary to carry out the provisions of this Act,*
20 *or any international radio or wire communications treaty*
21 *or convention, or regulations annexed thereto, including any*
22 *treaty or convention insofar as it relates to the use of radio,*
23 *to which the United States is or may hereafter become a*
24 *party.”*

1 *SEC. 7. Section 321 (a) of the Communications Act of*
2 *1934 is hereby amended to read as follows:*

3 *“SEC. 321. (a) The transmitting set in a radio station*
4 *on shipboard may be adjusted in such a manner as to produce*
5 *a maximum of radiation, irrespective of the amount of inter-*
6 *ference which may thus be caused, when such station is*
7 *sending radio communications or signals of distress and radio*
8 *communications relating thereto.”*

9 *SEC. 8. Section 322 of the Communications Act of*
10 *1934 is hereby amended to read as follows:*

11 *“SEC. 322. Every land station open to general public*
12 *service between the coast and vessels or aircraft at sea shall,*
13 *within the scope of its normal operations, be bound to ex-*
14 *change radio communications or signals with any ship or*
15 *aircraft station at sea; and each station on shipboard or air-*
16 *craft at sea shall, within the scope of its normal operations,*
17 *be bound to exchange radio communications or signals with*
18 *any other station on shipboard or aircraft at sea or with any*
19 *land station open to general public service between the coast*
20 *and vessels or aircraft at sea: Provided, That such exchange*
21 *of radio communication shall be without distinction as to*
22 *radio systems or instruments adopted by each station.”*

23 *SEC. 9. Section 329 of the Communications Act of*
24 *1934 is hereby amended to read as follows:*

1 “*SEC. 329. The Commission is authorized to designate*
 2 *any officer or employee of any other department of the*
 3 *Government on duty in any Territory or possession of the*
 4 *United States to render therein such service in connection*
 5 *with the administration of this Act as the Commission may*
 6 *prescribe and also to designate any officer or employee of*
 7 *any other department of the Government to render such*
 8 *services at any place within the United States in con-*
 9 *nection with the administration of title III of this Act as*
 10 *may be necessary: Provided, That such designation shall*
 11 *be approved by the head of the department in which such*
 12 *person is employed.*”

13 *SEC. 10. (a) The heading of title III of the Communi-*
 14 *cations Act of 1934 is hereby amended to read as follows:*
 15 *“TITLE III—PROVISIONS RELATING TO RADIO*

16 *“PART I—GENERAL PROVISIONS*

17 *(b) Such title III is further amended by adding at the*
 18 *end thereof a new part as follows:*

19 *“PART II—RADIO EQUIPMENT AND RADIO OPERATORS*
 20 *ON BOARD SHIP*

21 *“SHIP RADIO INSTALLATIONS AND OPERATIONS*

22 *“SEC. 351. Except as provided in section 352 hereof, it*
 23 *shall be unlawful—*

24 *“(a) For any ship of the United States, other than a*
 25 *cargo ship of less than sixteen hundred gross tons, to be*

1 navigated in the open sea outside of a harbor or port, or
2 for any ship of the United States or any foreign country,
3 other than a cargo ship of less than sixteen hundred gross
4 tons, to leave or attempt to leave any harbor or port of the
5 United States for a voyage in the open sea, unless such ship
6 is equipped with an efficient radio installation in operating
7 condition, in charge of and operated by a qualified operator
8 or operators, adequately installed and protected so as to
9 insure proper operation, and so as not to endanger the ship
10 and radio installation, as hereinafter provided, and in the
11 case of a ship of the United States, unless there is on board
12 a valid station license issued in accordance with this Act;

13 “(b) For any passenger ship of the United States of
14 five thousand gross tons, or over, to be navigated outside of
15 a harbor or port, in the open sea, or for any such ship of the
16 United States or any foreign country to leave or attempt
17 to leave any harbor or port of the United States for a voyage
18 in the open sea, unless such ship is equipped with an efficient
19 radio direction finder apparatus (radio compass) properly
20 adjusted in operating condition as hereinafter provided, which
21 apparatus is approved by the Commission;

22 “(c) A ship which is not subject to the provisions of
23 this part at the time of its departure on a voyage shall not
24 become subject to such provisions on account of any devia-
25 tion from its intended voyage due to stress of weather or any

1 *other cause over which neither the master, the owner, nor*
 2 *the charterer (if any) has control.*

3 "EXCEPTIONS

4 "SEC. 352. (a) *The provisions of this part shall not*
 5 *apply to—*

6 "(1) *A ship of war;*

7 "(2) *A ship of the United States belonging to and*
 8 *operated by the Government, except a ship of the United*
 9 *States Maritime Commission, the Inland and Coastwise*
 10 *Waterways Service, or the Panama Railroad Company;*

11 "(3) *A foreign ship belonging to a country which*
 12 *is a party to the Safety Convention and which ship*
 13 *carries a valid certificate exempting said ship from the*
 14 *radio provisions of that Convention, or which ship con-*
 15 *forms to the radio requirements of such Convention or*
 16 *Regulations and has on board a valid certificate to that*
 17 *effect.*

18 "(b) *The Commission may, if it considers that the*
 19 *route or the conditions of the voyage or other circumstances*
 20 *are such as to render a radio installation unreasonable or*
 21 *unnecessary for the purposes of this part, exempt from the*
 22 *provisions of this part any ship, or any class of ships, which*
 23 *falls within any of the following descriptions:*

24 "(1) *Passenger ships which in the course of their*
 25 *voyage do not go more than twenty nautical miles from*

1 *the nearest land or more than two hundred nautical*
2 *miles between two consecutive ports;*

3 *“(2) Cargo ships which in the course of their*
4 *voyage do not go more than one hundred and fifty*
5 *nautical miles from the nearest land;*

6 *“(3) Barges in tow;*

7 *“(4) Sailing ships.*

8 *“OPERATORS, WATCHES, AUTO-ALARM*

9 *“SEC. 353. (a) Each cargo ship required by this part*
10 *to be fitted with a radio installation and which is not fitted*
11 *with an auto-alarm, and each passenger ship required by*
12 *this part to be fitted with a radio installation, shall, for safety*
13 *purposes, carry at least two qualified operators.*

14 *“(b) A cargo ship, required by this part to be fitted*
15 *with a radio installation, which is fitted with an auto-alarm*
16 *in accordance with this title, shall, for safety purposes, carry*
17 *at least one qualified operator who shall have had at least*
18 *six months' previous service in the aggregate as a qualified*
19 *operator in a station on board a ship or ships of the United*
20 *States.*

21 *“(c) Each ship of the United States required by this*
22 *part to be fitted with a radio installation shall, while being*
23 *navigated outside a harbor or port, keep a continuous watch*
24 *by means of qualified operators: Provided, however, That*
25 *in lieu thereof on a cargo ship fitted with an auto-alarm in*

1 proper operating condition, a watch of at least eight hours
2 per day, in the aggregate, shall be maintained by means of
3 a qualified operator.

4 “(d) The Commission shall, when it finds it necessary
5 for safety purposes, have authority to prescribe the partic-
6 ular hours of watch on a ship of the United States required
7 by this part to be fitted with a radio installation.

8 “(e) On all ships of the United States fitted with an
9 auto-alarm, said apparatus shall be in operation at all times
10 while the ship is being navigated outside of a harbor or port
11 when the operator is not on watch.

12 “TECHNICAL REQUIREMENTS

13 “SEC. 354. The radio installation and the radio direc-
14 tion-finding apparatus required by section 351 of this part
15 shall comply with the following requirements:

16 “(a) The radio installation shall comprise a main and
17 an emergency or reserve installation: Provided, however,
18 That on a cargo ship, if the main installation complies also
19 with all the requirements of an emergency or reserve in-
20 stallation, the emergency or reserve installation may be
21 omitted.

22 “(b) The ship’s radio operating room and the emer-
23 gency or reserve installation shall be placed in the upper
24 part of the ship in a position of the greatest possible safety
25 and as high as practicable above the deepest load water

1 *line, and the location of such room or rooms shall be ap-*
2 *proved by the Bureau of Marine Inspection and Navigation,*
3 *Department of Commerce.*

4 “(c) *The main and emergency or reserve installations*
5 *shall be capable of transmitting and receiving on the fre-*
6 *quencies and types of waves designated by the Commission*
7 *pursuant to law for the purpose of distress and safety of*
8 *navigation.*

9 “(d) *The main installation shall have a normal trans-*
10 *mitting and receiving range of at least two hundred nautical*
11 *miles, that is to say, it must be capable of transmitting and*
12 *receiving clearly perceptible signals from ship to ship over*
13 *a range of at least two hundred nautical miles by day under*
14 *normal conditions and circumstances.*

15 “(e) *Sufficient power shall be available at all times to*
16 *operate the main radio installation efficiently under normal*
17 *conditions over the range specified in subsection (d) of this*
18 *section.*

19 “(f) *The emergency or reserve installation shall in-*
20 *clude a source of energy independent of the propelling power*
21 *of the ship and of any other electrical system and shall be*
22 *capable of being put into operation rapidly and of work-*
23 *ing for at least six continuous hours. For the emergency*
24 *or reserve installation, the normal range as defined in sub-*

1 section (d) of this section shall be at least one hundred
2 nautical miles.

3 “(g) There shall be provided between the bridge of
4 the ship and the radio room, and between the bridge and
5 the location of the direction finding apparatus, when the
6 direction finding apparatus is not located on the bridge, an
7 efficient means of communication independent of any other
8 communication system of the ship.

9 “(h) The direction finding apparatus shall be efficient
10 and capable of receiving clearly perceptible radio signals and
11 of taking bearings from which the true bearing and direction
12 may be determined. It shall be capable of receiving signals
13 on the frequencies prescribed for distress, direction finding,
14 and radio beacons by the General Radio Regulations annexed
15 to the International Telecommunication Convention in force
16 and in new installations after the effective date of this part,
17 such other frequencies as the Commission may for safety
18 purposes designate.

19 “LIFEBOATS

20 “SEC. 355. Every motor lifeboat, required to be
21 equipped with radio by treaty or convention to which the
22 United States is a party, by statute, or by regulation made
23 in conformity with a treaty, convention, or statute, shall
24 be fitted with an efficient radio installation under such rules
25 and regulations as the Commission may find necessary to
26 promote the safety of life.

1 “APPROVAL OF INSTALLATIONS

2 “SEC. 356. (a). *Insofar as is necessary to carry out*
3 *the purposes and requirements of this part, the Commission*
4 *shall have authority, for any ship subject to this part—*

5 “(1) *To approve the details as to the location*
6 *and manner of installations of the equipment required*
7 *by this part or of equipment necessitated by reason of*
8 *the purposes and requirements of this part.*

9 “(2) *To approve installations, apparatus, and spare*
10 *parts necessary to comply with the purposes and*
11 *requirements of this part.*

12 “(3) *To prescribe such additional equipment as*
13 *may be determined to be necessary to supplement that*
14 *specified herein, for the proper functioning of the radio*
15 *installation installed in accordance with this part or for*
16 *the proper conduct of radio communication in time of*
17 *emergency or distress.*

18 “TRANSMISSION OF INFORMATION

19 “SEC. 357. (a) *The master of every ship of the United*
20 *States equipped with radio transmitting apparatus, on meet-*
21 *ing with dangerous ice, a dangerous derelict, a tropical*
22 *storm, or any other direct danger to navigation, shall cause*
23 *to be transmitted all pertinent information relating thereto,*
24 *to ships in the vicinity and to the appropriate authorities,*
25 *in accordance with rules and regulations issued by the Com-*

1 mission, which authorities of the United States shall, when
2 they consider it necessary, promptly bring the information
3 received by them to the knowledge of those concerned and
4 foreign authorities interested.

5 “(b) No charge shall be made by any ship or station
6 in the mobile service of the United States for the transmission,
7 receipt, or relay of the information designated in subsection
8 (a) originating on a ship of the United States or of a foreign
9 country.

10 “(c) The transmission by any ship of the United
11 States, made in compliance with subsection (a), to any
12 station which imposes a charge for the reception, relay,
13 or forwarding of the required information, shall be free of
14 cost to the ship concerned and any communication charges
15 incurred by the ship for transmission, relay, or forwarding
16 of the information may be certified to the Commission for
17 reimbursement out of moneys appropriated to the Com-
18 mission for that purpose.

19 “(d) No charge shall be made by any ship or station
20 in the mobile service of the United States for the transmis-
21 sion of distress messages and replies thereto in connection
22 with situations involving the safety of life and property
23 at sea.

24 “(e) Notwithstanding any other provision of law, any
25 station or carrier may render free service in connection with

1 *situations involving the safety of life and property, includ-*
2 *ing hydrographic reports, weather reports, reports regard-*
3 *ing aids to navigation and medical assistance to injured*
4 *or sick persons on ships and aircraft at sea. All free service*
5 *permitted by this subsection shall be subject to such rules*
6 *and regulations as the Commission may prescribe, which*
7 *rules may limit such free service to the extent which the*
8 *Commission finds desirable in the public interest.*

9 *“AUTHORITY OF MASTER*

10 *“SEC. 358. The radio installation, the operators, the*
11 *regulation of their watches, the transmission and receipt*
12 *of messages, and the radio service of the ship except as*
13 *they may be regulated by law or international agreement,*
14 *or by rules and regulations made in pursuance thereof, shall*
15 *in the case of a ship of the United States be under the*
16 *supreme control of the master.*

17 *“CERTIFICATES*

18 *“SEC. 359. (a) Each vessel of the United States to*
19 *which the safety convention applies shall comply with the*
20 *radio and communication provisions of said convention at all*
21 *times while the vessel is in use, in addition to all other*
22 *requirements of law, and have on board an appropriate*
23 *certificate as prescribed by the safety convention.*

24 *“(b) Appropriate certificates concerning the radio par-*
25 *ticulars provided for in said convention shall be issued to*

1 any vessel of the United States which is subject to the radio
2 provisions of the safety convention and is found by the
3 Commission to comply therewith. Such certificates shall
4 be issued by the Department of Commerce, or whatever
5 other agency is authorized by law so to do, upon request
6 of the Commission made after proper inspection or deter-
7 mination of the facts. If the holder of such certificate
8 violates the provisions of the safety convention, or of this
9 Act, or the rules, regulations, or conditions prescribed by
10 the Commission, and if the effective administration of the
11 safety convention or of this part so requires, the Commission,
12 after hearing in accordance with law, is authorized to request
13 the modification or cancelation of such certificate. Upon
14 receipt of such request the Department of Commerce, or
15 whatever other agency is authorized by law to do so, shall
16 modify or cancel the certificate in accord therewith. The
17 Commission is authorized to issue, modify, or cancel such
18 certificates in the event that no other agency is authorized
19 to do so.

20 "INSPECTIONS"

21 "SEC. 360. (a) In addition to any other provisions
22 required to be included in a radio station license, the station
23 license of each ship of the United States subject to this title
24 shall include particulars with reference to the items specifi-
25 cally required by this title.

1 “(b) Every ship of the United States, subject to this
2 part, shall have the equipment and apparatus prescribed
3 therein, inspected at least once each year by the Commis-
4 sion. If, after such inspection, the Commission is satisfied
5 that all relevant provisions of this Act and the station license
6 have been complied with, that fact shall be certified to on
7 the station license by the Commission. The Commission
8 shall make such additional inspections at frequent intervals
9 as may be necessary to insure compliance with the require-
10 ments of this Act.

11 “CONTROL BY COMMISSION

12 “SEC. 361. Nothing in this title shall be interpreted as
13 lessening in any degree the control of the Commission over
14 all matters connected with the radio equipment and its opera-
15 tion on shipboard and its decision and determination in
16 regard to the radio requirements, installations, or exemptions
17 from prescribed radio requirements shall be final, subject
18 only to review in accordance with law.

19 “FORFEITURES

20 “SEC. 362. The following forfeitures shall apply to this
21 part, in addition to the penalties and forfeitures provided by
22 title V of this Act:

23 “(a) Any ship that leaves or attempts to leave any
24 harbor or port of the United States in violation of the pro-
25 visions of this part, or the rules and regulations of the Com-

1 mission made in pursuance thereof, or any ship of the
2 United States that is navigated outside of any harbor or
3 port in violation of any of the provisions of this part, or
4 the rules and regulations of the Commission made in pur-
5 suance thereof, shall forfeit to the United States the sum
6 of \$500, recoverable by way of suit or libel. Each such
7 departure or attempted departure, and in the case of a
8 ship of the United States each day during which such navi-
9 gation occurs shall constitute a separate offense.

10 “(b) Every willful failure on the part of the master
11 of a ship of the United States to enforce or to comply with
12 the provisions of this Act or the rules and regulations of
13 the Commission as to equipment, operators, watches, or
14 radio service shall cause him to forfeit to the United States
15 the sum of \$100.”

16 SEC. 11. Paragraph (a) of section 402 of the Com-
17 munications Act of 1934 is hereby amended by inserting after
18 the words “or for modifications of an existing radio station
19 license” a comma and the words “or suspending a radio
20 operator’s license”.

21 SEC. 12. Subsection (b) of section 402 of the Com-
22 munications Act of 1934 is hereby amended by adding at
23 the end thereof a new paragraph to read as follows:

24 “(3) By any radio operator whose license has been
25 suspended by the Commission.”

1 *SEC. 13. Paragraph (c) of section 402 of the Com-*
2 *munications Act of 1934 is hereby amended by inserting*
3 *after the words in the last sentence "upon the application"*
4 *the words "or order".*

5 *SEC. 14. Section 504 of the Communications Act of*
6 *1934 is hereby amended to read as follows:*

7 *"PROVISIONS RELATING TO FORFEITURES*

8 *"SEC. 504 (a) The forfeitures provided for in this*
9 *Act shall be payable into the Treasury of the United States,*
10 *and shall be recoverable in a civil suit in the name of the*
11 *United States brought in the district where the person or*
12 *carrier has its principal operating office or in any district*
13 *through which the line or system of the carrier runs:*
14 *Provided, That in the case of forfeiture by a ship, said*
15 *forfeiture may also be recoverable by way of libel in any*
16 *district in which such ship shall arrive or depart. Such for-*
17 *feitures shall be in addition to any other general or specific*
18 *penalties herein provided. It shall be the duty of the*
19 *various district attorneys, under the direction of the Attorney*
20 *General of the United States, to prosecute for the recovery*
21 *of forfeitures under this Act. The costs and expenses of*
22 *such prosecutions shall be paid from the appropriation for*
23 *the expenses of the courts of the United States.*

24 *"(b) The forfeitures imposed by title III, part II of*
25 *this Act shall be subject to remission or mitigation by the*

1 Commission, upon application therefor, under such regula-
2 tions and methods of ascertaining the facts as may seem
3 to it advisable, and, if suit has been instituted, the Attorney
4 General, upon request of the Commission, shall direct the
5 discontinuance of any prosecution to recover such forfeitures:
6 Provided, however, That no forfeiture shall be remitted or
7 mitigated after determination by a court of competent
8 jurisdiction."

9 SEC. 15. Section 602 of the Communications Act of
10 1934 is hereby amended by adding at the end thereof a new
11 subsection to read as follows:

12 "(e) Such part or parts of the Act entitled "An Act to
13 require apparatus and operators for radio communication on
14 certain ocean steamers", approved June 24, 1910, as
15 amended, as relate to the ocean and to steamers navigating
16 thereon, are hereby repealed. In all other respects said Act
17 shall continue in full force and effect. The Commission is
18 requested and directed to make a special study of the radio
19 requirements necessary or desirable for safety purposes for
20 ships navigating the Great Lakes and the inland waters of
21 the United States, and to report its recommendations, and
22 the reasons therefor, to the Congress not later than December
23 31, 1939."

1 *SEC. 16. This Act shall take effect upon approval, pro-*
2 *vided that the Commission may defer the application of all*
3 *or any part of sections 351 to 355, inclusive, for a period*
4 *not to exceed six months after approval, in regard to any*
5 *ship or classes of ships of the United States which are not*
6 *subject to the provisions of the safety convention, if it is*
7 *found impracticable to obtain the necessary equipment or*
8 *make the required installations.*

Calendar No. 200

75TH CONGRESS }
1ST SESSION }

S. 595

[Report No. 196]

A BILL

To amend the Communications Act of 1934, approved June 19, 1934, for the purpose of promoting safety of life and property at sea through the use of wire and radio communications, to make more effective the International Convention for the Safety of Life at Sea, 1929, and for other purposes.

By Mr. COPELAND

JANUARY 11, 1937

Read twice and referred to the Committee on Commerce

MARCH 17, 1937

Reported with an amendment

Identical with former S 4619 (74th) except
for changes marked in red pencil.

75TH CONGRESS
1ST SESSION

S. 595

IN THE SENATE OF THE UNITED STATES

JANUARY 11, 1937

MR. COPELAND introduced the following bill; which was read twice and referred
to the Committee on Commerce

A BILL

To amend the Communications Act of 1934, approved June 19, 1934, for the purpose of promoting safety of life and property at sea through the use of wire and radio communications, to make more effective the International Convention for the Safety of Life at Sea, 1929, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 1 of the Communications Act of 1934 is hereby
4 amended by inserting after the words "for the purpose of the
5 national defense" a comma and the words "for the purpose
6 of promoting safety of life and property through the use
7 of wire and radio communication".

1 SEC. 2. Section 3 of the Communications Act of 1934
2 is hereby amended by adding at the end thereof five new
3 subsections to read as follows:

4 “(w) (1) ‘Ship’ or ‘vessel’ includes every description
5 of watercraft or other artificial contrivance, except aircraft,
6 used or capable of being used as a means of transportation
7 on water, whether or not she is actually afloat.

8 “(2) A ship shall be considered a passenger ship if it
9 carries or is authorized to carry more than twelve passengers.

10 “(3) A cargo ship means any ship not a passenger
11 ship.

12 “(4) A passenger is any person carried on board a
13 ship except the officers and crew actually employed to man
14 and operate the ship. Persons on board a ship shall not be
15 considered passengers when they are carried either because
16 of the obligation laid upon the master to carry shipwrecked,
17 distressed, or other persons or by reason of any circumstance
18 over which neither the master, the owner, nor the charterer
19 (if any) has control.

20 “(x) ‘Auto-alarm’ on a foreign ship means an auto-
21 matic alarm receiver which has been approved by the
22 country to which the ship belongs: *Provided*, That the United
23 States and the country in question are both parties to the same
24 treaty, convention, or agreement in regard to the require-
25 ments for such apparatus. ‘Auto-alarm’ on a ship of the

1 United States subject to the provisions of part II of title
2 III of this Act means an automatic alarm receiver approved
3 by the Commission and which complies with at least the
4 requirements of the General Radio Regulations Annexed
5 to the International Telecommunication Convention in force.
6 Nothing in this Act or in any other provision of law shall
7 be construed to permit the recognition of an auto-alarm as
8 complying with part II of title III of this Act, on a foreign
9 ship subject to such part, whose country of origin is not a
10 party to a treaty, convention, or agreement with the United
11 States in regard to such apparatus.

12 “(y) (1) For the purpose of part 11 of title III, a
13 ‘qualified operator’ or ‘operator’ on a foreign ship means a
14 person holding a certificate as such complying with the pro-
15 visions of the General Radio Regulations annexed to the
16 International Telecommunication Convention in force, or
17 complying with an agreement or treaty between the United
18 States and the country to which the ship belongs.

19 “(2) For the purpose of part II of title III, a ‘qualified
20 operator’ or ‘operator’ on a ship of the United States means
21 a person holding a radio operator’s license of the proper
22 class, as prescribed and issued by the Commission.

23 “(z) ‘Harbor’ or ‘port’ means any place to which ships
24 may resort for shelter or to load or unload passengers or
25 goods, or to obtain fuel, water, or supplies. This term shall

1 apply to such places whether proclaimed public or not and
2 whether natural or artificial.

3 “(aa) ‘Safety convention’ means the International Con-
4 vention for the Safety of Life at Sea in force and the regula-
5 tions referred to therein.

6 “SEC. 3. Subsection (k) of section 4 of the Communi-
7 cations Act of 1934 is hereby amended by substituting a
8 colon for the period at the end of the subsection and adding
9 the following: ‘*Provided further*, That each year, at the
10 beginning of the session of the Congress, the Commission
11 shall report to the Senate and the House of Representatives
12 of the United States whether or not any new wire or radio
13 communication legislation is required better to insure safety
14 of life and property. If any new legislation is necessary the
15 Commission shall prepare and submit it to the Congress.’”

16 SEC. 4. Section 4 of the Communications Act of 1934
17 is amended by adding at the end thereof a new subsection
18 to read as follows:

19 “(o) For the purpose of obtaining maximum effective-
20 ness from the use of radio and wire communications in con-
21 nection with safety of life and property, the Commission
22 shall investigate and study all phases of the problem and the
23 best methods of obtaining the cooperation and coordination
24 of these systems. The Commission shall, by proper rules
25 and regulations or by conditions incorporated in the authori-

1 zation or license, prescribe, in addition to all other require-
2 ments, the conditions and procedure to be observed, in har-
3 mony with the law, in communications involving safety of
4 life and property.”

5 SEC. 5. Paragraph (m) of section 303 of the Com-
6 munications Act of 1934 is hereby amended to read as fol-
7 lows:

8 “(m) (1) Have authority to suspend the license of
9 any operator upon proof sufficient to satisfy the Commission
10 that the licensee—

11 “(A) has violated any provision of any Act,
12 treaty, or convention binding on the United States, which
13 the Commission is authorized to administer, or any
14 regulation made by the Commission under any such
15 Act, treaty, or convention; or

16 “(B) has failed to carry out a lawful order of the
17 master of the ship on which he is employed or of the
18 person in command of the aircraft on which he is
19 employed; or

20 “(C) has willfully damaged or permitted radio
21 apparatus or installations to be damaged; or

22 “(D) has transmitted superfluous radio com-
23 munications or signals or communications containing
24 profane or obscene words, language, or meaning, or
25 has knowingly transmitted—

1 “(1) false or deceptive signals or communications,
2 or

3 “(2) a call signal or letter which has not been
4 assigned by proper authority to the station he is
5 operating; or

6 “(E) has willfully or maliciously interfered with
7 any other radio communications or signals; or

8 “(F) has obtained or attempted to obtain, or
9 has assisted another to obtain or attempt to obtain, an
10 operator's license by fraudulent means.

11 “(2) No order of suspension of any operator's license
12 shall take effect until fifteen days' notice in writing thereof,
13 stating the cause for the proposed suspension, has been
14 given to the operator licensee who may make written appli-
15 cation to the Commission at any time within said fifteen
16 days for a hearing upon such order. The notice to the
17 operator licensee shall not be effective until actually received
18 by him, and from that time he shall have fifteen days in
19 which to mail the said application. In the event that
20 physical conditions prevent mailing of the application at
21 the expiration of the fifteen-day period, the application
22 shall then be mailed as soon as possible thereafter, accom-
23 panied by a satisfactory explanation of the delay. Upon
24 receipt by the Commission of such application for hearing,
25 said order of suspension shall be held in abeyance until the

1 conclusion of the hearing which shall be conducted under
2 such rules as the Commission may prescribe. Upon the
3 conclusion of said hearing the Commission may affirm,
4 modify, or revoke said order of suspension.”

5 SEC. 6. Subsection (n) of section 303 of the Com-
6 munications Act of 1934 is hereby amended to read as
7 follows:

8 “(n) Have authority to inspect all radio installations
9 associated with stations required to be licensed by any Act
10 or which are subject to the provisions of any Act, treaty,
11 or convention binding on the United States, to ascertain
12 whether in construction, installation, and operation they con-
13 form to the requirements of the rules and regulations of the
14 Commission, the provisions of any Act, the terms of any
15 treaty or convention binding on the United States, and the
16 conditions of the license or other instrument of authorization
17 under which they are constructed, installed, or operated.”

18 SEC. 7. Section 321 (a) of the Communications Act of
19 1934 is hereby amended to read as follows:

20 “SEC. 321. (a) The transmitting set in a radio station
21 on shipboard may be adjusted in such a manner as to produce
22 a maximum of radiation, irrespective of the amount of inter-
23 ference which may thus be caused, when such station is
24 sending radio communications or signals of distress and radio
25 communications relating thereto.”

1 SEC. 8. Section 322 of the Communications Act of
2 1934 is hereby amended to read as follows:

3 “SEC. 322. Every land station open to general public
4 service between the coast and vessels or aircraft at sea shall,
5 within the scope of its normal operations, be bound to ex-
6 change radio communications or signals with any ship or
7 aircraft station at sea; and each station on shipboard or air-
8 craft at sea shall, within the scope of its normal operations,
9 be bound to exchange radio communications or signals with
10 any other station on shipboard or aircraft at sea or with any
11 land station open to general public service between the coast
12 and vessels or aircraft at sea: *Provided*, That such exchange
13 of radio communication shall be without distinction as to
14 radio systems or instruments adopted by each station.”

15 SEC. 9. Section 329 of the Communications Act of
16 1934 is hereby amended to read as follows:

17 “SEC. 329. The Commission is authorized to designate
18 any officer or employee of any other department of the
19 Government on duty in any Territory or possession of the
20 United States to render therein such service in connection
21 with the administration of this Act as the Commission may
22 prescribe and also to designate any officer or employee of
23 any other department of the Government to render such
24 services at any place within the United States in con-
25 nection with the administration of title III of this Act as

1 may be necessary: *Provided*, That such designation shall
 2 be approved by the head of the department in which such
 3 person is employed.”

4 SEC. 10. (a) The heading of title III of the Communi-
 5 cations Act of 1934 is hereby amended to read as follows:

6 “TITLE III—PROVISIONS RELATING TO RADIO

7 “PART I—SPECIAL PROVISIONS”

8 (b) Such title III is further amended by adding at the
 9 end thereof a new part as follows:

10 “PART II—RADIO EQUIPMENT AND RADIO OPERATORS

11 ON BOARD SHIP

12 “PURPOSE

13 “SEC. 351. It is the purpose of this part to promote
 14 safety of life and property at sea through the use of radio.

15 “SHIP RADIO INSTALLATIONS AND OPERATIONS

16 “SEC. 352. Except as provided in section 353 hereof, it
 17 shall be unlawful—

18 “(a) For any ship of the United States, other than a
 19 cargo ship of less than sixteen hundred gross tons, to be
 20 navigated in the open sea or on the Great Lakes outside of
 21 a harbor or port, or for any ship of the United States or any
 22 foreign country, other than a cargo ship of less than sixteen
 23 hundred gross tons, to leave or attempt to leave any harbor
 24 or port of the United States for a voyage in the open sea
 25 or on the Great Lakes, unless such ship is equipped with

1 an efficient radio installation in operating condition, in charge
2 of and operated by a qualified operator or operators, ade-
3 quately installed and protected so as to insure proper opera-
4 tion, and so as not to endanger the ship and radio installation,
5 as hereinafter provided;

6 “(b) For any passenger ship of the United States of
7 five thousand gross tons, or over, to be navigated outside of
8 a harbor or port, in the open sea or on the Great Lakes, or
9 for any such ship of the United States or any foreign country
10 to leave or attempt to leave any harbor or port of the United
11 States for a voyage in the open sea or on the Great Lakes,
12 unless such ship is equipped with an efficient radio direction
13 finder apparatus (radio compass) properly adjusted in oper-
14 ating condition as hereinafter provided, which apparatus is
15 approved by the Commission;

16 “(c) In special cases, where the Commission considers
17 that the route or conditions of the voyage make it reason-
18 able or necessary, the above requirements may be applied
19 to a vessel engaged on inland voyages.

20 “(d) A ship which is not subject to the provisions of
21 this part at the time of its departure on a voyage shall not
22 become subject to such provisions on account of any devia-
23 tion from its intended voyage due to stress of weather or any
24 other cause over which neither the master, the owner, nor
25 the charterer (if any) has control.

1 “EXCEPTIONS

2 “SEC. 353. (a) The provisions of this part shall not
3 apply to—

4 “(1) A ship of war;

5 “(2) A ship of the United States belonging to
6 and operated by the Government, except a ship of the
7 United States Maritime Commission, the Inland and
8 Coastwise Waterways Service, or the Panama Railroad
9 Company.

“(3) A foreign ship, belonging to a country which is a party to the Safety Convention and which ship carries a valid certificate exempting said ship from the radio provisions of that Convention, or which ship conforms to the radio requirements of such Convention or Regulations and has on board a valid certificate to that effect.

17 “(b) The Commission may, if it considers that the
18 route or the conditions of the voyage are such as to render
19 a radio installation unreasonable or unnecessary for the pur-
20 poses of this part, exempt from the provisions of this part
21 any ship, or any class of ships, which falls within any
22 of the following descriptions:

23 “(1) Passenger ships which in the course of their
24 voyage do not go more than twenty nautical miles from

1 the nearest land or more than two hundred nautical
2 miles between two consecutive ports;

3 “(2) Cargo ships which in the course of their
4 voyage do not go more than one hundred and fifty
5 nautical miles from the nearest land;

6 “(3) Barges in tow;

7 “(4) Sailing ships.

8 “OPERATORS, WATCHES, AUTO-ALARM

9 “SEC. 354. (a) Each cargo ship required by this part
10 to be fitted with a radio installation and which is not fitted
11 with an auto-alarm, and each passenger ship required by
12 this part to be fitted with a radio installation, shall, for safety
13 purposes, carry at least two qualified operators, and, where
14 the hours out of port exceed forty-eight, at least three
15 qualified operators shall be provided.

16 “(b) A cargo ship, required by this part to be fitted
17 with a radio installation, which is fitted with an auto-alarm
18 in accordance with this title, shall, for safety purposes, carry
19 at least one qualified operator.

20 “(c) Each ship of the United States required by this
21 part to be fitted with a radio installation shall, while being
22 navigated outside a harbor or port, keep a continuous watch
23 by means of qualified operators: *Provided, however,* That
24 in lieu thereof on a cargo ship fitted with an auto-alarm in
25 proper operating condition, a watch of at least eight hours

1 per day, in the aggregate, shall be maintained by means of
2 a qualified operator.

3 “(d) The Commission shall, for safety purposes, have
4 authority to prescribe the particular hours of watch on a ship
5 of the United States required by this part to be fitted with
6 a radio installation.

7 “(e) On all ships of the United States fitted with an
8 auto-alarm, said apparatus shall be in operation at all times
9 while the ship is being navigated outside of a harbor or port
10 when the operator is not on watch.

11 “TECHNICAL REQUIREMENTS

12 “SEC. 355. The radio installation and the radio direc-
13 tion-finding apparatus required by section 352 of this part
14 shall comply with the following requirements:

15 “(a) The radio installation shall comprise a main and
16 an emergency or reserve installation: *Provided, however,*
17 That on a cargo ship, if the main installation complies also
18 with all the requirements of an emergency or reserve installa-
19 tion, the emergency or reserve installation may be omitted.

20 “(b) The ship’s radio operating room and the emer-
21 gency or reserve installation shall be placed in the upper
22 part of the ship in a position of the greatest possible safety
23 and as high as practicable above the deepest load water line.

24 “(c) The main and emergency or reserve installations
25 shall be capable of transmitting and receiving on the fre-

1 quencies and types of waves designated by the Commission
2 for the purpose of distress and safety of navigation.

3 “(d) The main installation shall have a normal trans-
4 mitting and receiving range of at least two hundred nautical
5 miles, that is to say, it must be capable of transmitting and
6 receiving clearly perceptible signals from ship to ship over
7 a range of at least two hundred nautical miles by day under
8 normal conditions and circumstances.

9 “(e) Sufficient power shall be available at all times
10 to operate the main radio installation efficiently under normal
11 conditions over the range specified in subsection (d) of this
12 section.

13 “(f) The emergency or reserve installation shall
14 include a source of energy independent of the propelling
15 power of the ship and of any other electrical system and shall
16 be capable of being put into operation rapidly and of work-
17 ing for at least six continuous hours. For the emergency
18 or reserve installation, the normal range as defined in sub-
19 section (d) of this section shall be at least one hundred
20 nautical miles.

21 “(g) There shall be provided between the bridge of
22 the ship and the radio room, and between the bridge and
23 the location of the direction finding apparatus, when the
24 direction finding apparatus is not located on the bridge, an

1 efficient means of communication independent of any other
2 communication system of the ship.

3 “(h) The direction finding apparatus shall be efficient
4 and capable of receiving clearly perceptible radio signals and
5 of taking bearings from which the true bearing and direction
6 may be determined. It shall be capable of receiving signals
7 on the frequencies prescribed for distress, direction finding,
8 and radio beacons by the General Radio Regulations annexed
9 to the International Telecommunication Convention in force
10 and in new installations after the effective date of this part,
11 such other frequencies as the Commission may for safety
12 purposes designate.

13 “LIFEBOATS

14 “SEC. 356. Every motor lifeboat, required to be
15 equipped with radio by treaty or convention to which the
16 United States is a party, by statute, or by regulation made
17 in conformity with a treaty, convention, or statute, shall
18 be fitted with an efficient radio installation under such rules
19 and regulations as the Commission may find necessary to
20 promote the safety of life.

21 “APPROVAL OF INSTALLATIONS

22 “SEC. 357. (a) Insofar as is necessary to carry out
23 the purposes and requirements of this part, the Commission
24 shall have authority, for any ship subject to this part—

1 “(1) To approve the details as to the location
2 and manner of installations of the equipment required
3 by this part or of equipment necessitated by reason of
4 the purposes and requirements of this part.

5 “(2) To approve installations, apparatus, and spare
6 parts necessary to comply with the purposes and
7 requirements of this part.

8 “(3) To prescribe such additional equipment as
9 may be determined to be necessary to supplement that
10 specified herein, for the proper functioning of the radio
11 installation installed in accordance with this part or for
12 the proper conduct of radio communication in time of
13 emergency or distress.

14 “TRANSMISSION OF INFORMATION

15 “SEC. 358. (a) The master of every ship of the United
16 States equipped with radio transmitting apparatus, on meet-
17 ing with dangerous ice, a dangerous derelict, a tropical
18 storm, or any other direct danger to navigation, shall cause
19 to be transmitted all pertinent information relating thereto,
20 to ships in the vicinity and to the appropriate authorities,
21 in accordance with rules and regulations issued by the Com-
22 mission, which authorities of the United States shall, when
23 they consider it necessary, promptly bring the information
24 received by them to the knowledge of those concerned and
25 foreign authorities interested.

1 “(b) No charge shall be made by any ship or station
2 in the mobile service of the United States for the transmission,
3 receipt, or relay of the information designated in subsection
4 (a) originating on a ship of the United States or of a foreign
5 country.

6 “(c) The transmission by any ship of the United
7 States, made in compliance with subsection (a), to any
8 station which imposes a charge for the reception, relay,
9 or forwarding of the required information, shall be free of
10 cost to the ship concerned and any communication charges
11 incurred by the ship for transmission, relay, or forwarding
12 of the information may be certified to the Commission for
13 reimbursement out of moneys appropriated to the Com-
14 mission for that purpose.

15 “(d) No charge shall be made by any ship or station
16 in the mobile service of the United States for the transmis-
17 sion of distress messages and replies thereto in connection
18 with situations involving the safety of life and property
19 at sea.

20 “(e) Notwithstanding any other provision of law, any
21 station or carrier may render free service in connection with
22 situations involving the safety of life and property, includ-
23 ing hydrographic reports, weather reports, reports regard-
24 ing aids to navigation and medical assistance to injured
25 or sick persons on ships and aircraft at sea. All free service

1 permitted by this subsection shall be subject to such rules
2 and regulations as the Commission may prescribe, which
3 rules may limit such free service to the extent which the
4 Commission finds desirable in the public interest.

5 "AUTHORITY OF MASTER

6 "SEC. 359. The radio installation, the operators, the
7 regulation of their watches, the transmission and receipt
8 of messages, and the radio service of the ship except as
9 they may be regulated by law or international agreement,
10 or by rules and regulations made in pursuance thereof, shall
11 in the case of a ship of the United States be under the
12 supreme control of the master.

13 "SAFETY CONVENTION

14 "SEC. 360. (a) In addition to any other provision of
15 law, the Commission shall make such rules and regulations,
16 determinations, or findings as may appear to be necessary
17 to give effect to the radio and communication provisions of
18 the safety convention.

19 (b) Each vessel of the United States to which the
20 safety convention applies shall comply with the radio and
21 communication provisions of said convention at all times
22 while the vessel is in use, in addition to all other require-
23 ments of law, and have on board an appropriate certificate
24 as prescribed by the safety convention.

1 (c) In the case of a vessel of the United States, which
2 is subject also to the radio provisions of the safety conven-
3 tion, the Commission is authorized, after proper inspection
4 or determination of the facts, to request the Bureau of Marine
5 Inspection and Navigation to issue to such vessel an appro-
6 priate certificate, concerning the radio particulars provided
7 for in said convention. Upon receipt of that request, the
8 Bureau of Marine Inspection and Navigation shall issue the
9 certificate in accord therewith.

10 “INSPECTIONS

11 “SEC. 361. (a) In addition to any other provisions re-
12 quired to be included in a radio station license, the station
13 license of each ship of the United States subject to this title
14 shall include particulars with reference to the items specifi-
15 cally required by this title.

16 “(b) Every ship of the United States, subject to this
17 title, shall have the equipment and apparatus prescribed
18 therein, inspected at least once each year by the Commis-
19 sion. If, after such inspection, the Commission is satisfied
20 that all relevant provisions of this Act and the station license
21 have been complied with, that fact shall be certified to on
22 the station license by the Commission. The Commission
23 shall make such additional inspections at frequent intervals
24 as may be necessary to insure compliance with the require-
25 ments of this Act.

1 “(c) No ship of the United States subject to this title
2 shall be used unless there is on board and in force a valid
3 station license issued in accordance with this Act.

4 “CONTROL BY COMMISSION

5 “SEC. 362. Nothing in this title shall be interpreted as
6 lessening in any degree the control of the Commission over
7 all matters connected with the radio equipment and its opera-
8 tion on shipboard and its decision and determination in
9 regard to the radio requirements, installations, or exemptions
10 from prescribed radio requirements shall be final, subject only
11 to review in accordance with law.

12 “FORFEITURES

13 “SEC. 363. The following forfeitures shall apply to this
14 part, in addition to the penalties and forfeitures provided by
15 title V of this Act:

16 “(a) Any ship that leaves or attempts to leave any
17 harbor or port of the United States in violation of the pro-
18 visions of this part, or the rules and regulations of the Com-
19 mission made in pursuance thereof, or any ship of the
20 United States that is navigated outside of any harbor or
21 port in violation of any of the provisions of this part, or
22 the rules and regulations of the Commission made in pur-
23 suance thereof, shall forfeit to the United States the sum
24 of \$500, recoverable by way of suit or libel. Each such
25 departure or attempted departure, and in the case of a

1 ship of the United States each day during which such navi-
2 gation occurs shall constitute a separate offense.

3 “(b) Every willful failure on the part of the master
4 of a ship of the United States to enforce or to comply with
5 the provisions of this Act or the rules and regulations of
6 the Commission as to equipment, operators, watches, or
7 radio service shall cause him to forfeit to the United States
8 the sum of \$100.”

9 SEC. 11. Paragraph (a) of section 402 of the Com-
10 munications Act of 1934 is hereby amended by inserting after
11 the words “or for modifications of an existing radio station
12 license” a comma and the words “or suspending a radio
13 operator’s license”.

14 SEC. 12. Subsection (b) of section 402 of the Com-
15 munications Act of 1934 is hereby amended by adding at
16 the end thereof a new paragraph to read as follows:

17 “(3) By any radio operator whose license has been
18 suspended by the Commission.”

19 SEC. 13. Paragraph (c) of section 402 of the Com-
20 munications Act of 1934 is hereby amended by inserting
21 after the words in the last sentence “upon the application”
22 the words “or order”.

23 SEC. 14. Section 504 of the Communications Act of
24 1934 is hereby amended to read as follows:

1 “PROVISIONS RELATING TO FORFEITURES

2 “SEC. 504 (a) The forfeitures provided for in this
3 Act shall be payable into the Treasury of the United States,
4 and shall be recoverable in a civil suit in the name of the
5 United States brought in the district where the person or
6 carrier has its principal operating office or in any district
7 through which the line or system of the carrier runs:
8 *Provided*, That in the case of forfeiture by a ship, said
9 forfeiture may also be recoverable by way of libel in any
10 district in which such ship shall arrive or depart. Such for-
11 feitures shall be in addition to any other general or specific
12 penalties herein provided. It shall be the duty of the
13 various district attorneys, under the direction of the Attorney
14 General of the United States, to prosecute for the recovery
15 of forfeitures under this Act. The costs and expenses of
16 such prosecutions shall be paid from the appropriation for
17 the expenses of the courts of the United States.

18 “(b) The forfeitures imposed by title III, part II of
19 this Act shall be subject to remission or mitigation by the
20 Commission, upon application therefor, under such regula-
21 tions and methods of ascertaining the facts as may seem
22 to it advisable, and, if suit has been instituted, the Attorney
23 General, upon request of the Commission, shall direct the
24 discontinuance of any prosecution to recover such forfeitures:
25 *Provided, however*, That no forfeiture shall be remitted or

1 mitigated after determination by a court of competent
2 jurisdiction.”

3 SEC. 15. Section 602 of the Communications Act of
4 1934 is hereby amended by adding at the end thereof a new
5 subsection to read as follows:

6 “(e) The Act entitled ‘An Act to require apparatus
7 and operators for radio communication on certain ocean
8 steamers’, approved June 24, 1910, as amended, is repealed.

9 SEC. 16. This Act shall take effect upon approval, pro-
10 vided that the Commission may defer the application of all
11 or any part of Sections 351 to 356, inclusive, for a period
12 not to exceed six months after approval, in regard to any
13 ship or classes of ships of the United States which are not
14 subject to the provisions of the safety convention, if it is
15 found impracticable to obtain the necessary equipment or
16 make the required installations.

17 SEC. 17. The Communications Act of 1934 is hereby
18 further amended by adding at the end thereof the following
19 new section:

A BILL

To amend the Communications Act of 1934, approved June 19, 1934, for the purpose of promoting safety of life and property at sea through the use of wire and radio communications, to make more effective the International Convention for the Safety of Life at Sea, 1929, and for other purposes,

By Mr. COPELAND

JANUARY 11, 1937

Read twice and referred to the Committee on Commerce